

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Serial No.: 09/940,450

Applicant: Jeff S. Eder

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**DECLARATION UNDER RULE 132**

I, Gregory M. Cusanza, do hereby declare and say: my home address is 8604 233<sup>rd</sup> Place NE, Redmond, WA 98053 and I have a B.S. degree in computer science from Cal Poly San Luis Obispo.

I have worked in the data processing field for 16 years, concentrating in the disciplines of data storage, data conversion and enterprise processing. I also have extensive knowledge of computer system administration, particularly for Windows, Linux, and Unix systems. I have been employed by a corporation that was recently purchased by EMC for 12 years, Knacta for 1.5 years and Kantrak, Inc. for the seven months. I own 5% of the issued common stock in Kantrak, Inc.

I further declare that I do not have any direct affiliation with the application owner, Asset Reliance, Inc. I first met the inventor in April of 2004. I joined Kantrak, a company run by the inventor in February 2008. Knacta was also run by the inventor. Kantrak has a license to the intellectual property associated with this application.

On March 24, 2008, I was given a copy of U.S. Patent Application 10/645,099 filed in the United States Patent Office on March 16, 2002. Until that time I had not read the patent application although I had previously read U.S. Patent Application 10/441,385 which is similar. U.S. Patent Application 09/940,450 is the parent of application 10/645,009 and as such has the same specification and drawings. I have studied the entire specification in order to closely analyze the claims and drawings. I am familiar with the language of the claims and conversant with the scope thereof. I understand the invention as claimed.

On October 2, 2008 I was given a copy of U.S. Patent 6,549,922 by Srivastava et al (hereinafter, Srivastava) that is entitled "System for collecting, transforming and managing media metadata" and a copy of U.S. Patent 7,249,328 by Russell T. Davis (hereinafter, Davis) that is entitled "Tree view for reusable data markup language". Until that time I had not read either of these patents and I have not discussed them with anyone.

Davis describes a method and system that copies data from a data source into an RDML document (102). All RDML documents (102) created by the Davis invention use a common xml 1.0 compliant data type definition (hereinafter, dtd) that is described in FIG. 9 and in column 21, line 25 through column 30, line 8 of the specification. The data in an RDML document (102) can be manipulated and formatted by a combined data viewer/analytical program/platform, the RDML data viewer (100), for different "views" (108, Column 9, lines 1 – 36, Column 16, lines 1 - 3). The different "views" (108) supported by the RDML data viewer (100) include charts (716); a tree view (718); spreadsheets (720); footnote display (722); documentation, reports, applications and/or export in a file as shown in FIG. 1 and FIG. 3.

RDML documents (102) are first created from existing data sources (230) using the RDML formatter (216). The RDML formatter (216) is limited to creating RDML documents from a single table or flat file (column 17, lines 51 – 53). If the data being provided is not in a single table or flat file, then a single table needs to be created using a query or some other technique before an RDML document can be created. The RDML formatter 216 is an application that assists a user in selecting the proper documentation tags, saves the tags in a separate database (the RDML image database 226), and creates the actual RDML document (102, column 18, lines 2 – 6). As part of this processing "the formatter 216 inserts a table 504 that holds information regarding the data tables into the data source database 230 for later reference.... The RDML image database 226 contains documentation that relates to a separate

set of data records in the existing database 230.....The image database 226 contains a list of RDML documents 102 that it can produce. The original data may be in flat files, relational tables, or a table that results from a query on a relational database (line 3, column 18 through line 58, column 18). The RDML data viewer (100) has the ability combine documents from different sources (column 28, line 33).

RDML documents (102), created by the formatter (216) may be served from disk based text files (column 18, lines 18 and 19) or they may be created dynamically using the RDML data server (218). The RDML data server (218) sits between the data source (230) and the RDML data viewer (100). In response to a request for an RDML document (102) from the data viewer, the RDML data server (218) queries the data source (230) to retrieve the required information. The retrieved information is then combined with the document definition from the image database (226) to create an RDML document that is transmitted to the RDML data viewer.

The data from the RDML documents (102) that are being used in a view (108) are managed by the RDML data viewer (100) in a number of unique ways as shown in FIG. 7A and as discussed below:

1. the basic unit for the manipulation, storage and display of data is an "RDML line item" (1304, see Column 9, line 25), an RDML line item (1304) is similar to a row in a relational database;
2. the primary data store (712) stores RDML doc objects (1302) and RDML line items (1304) as shown in FIG. 13.
  - a) An RDML doc object (1302) is a full internal representation of the RDML document (102). It contains as its central attribute the tree-structured data elements contained in the document's original tags and implements the DOM interface (Column 34, lines 43 – 47).
  - b) Similar to the RDML doc objects (1302), the RDML line items (1304) are objects that provide high-level methods for retrieving data on a line item, any associated links or notes, and the attributes.
  - c) The views (108) of the RDML data viewer (100) work with RDML docs (1302) and RDML line items (1304) in the primary data store (712) to create their presentations. (Column 35, lines 63 through 65).

Srivastava describes a method and system for extracting metadata from media files, summarizing the extracted metadata in a standardized format such as XML and mapping the

summaries to a selected database schema. The mappings are then used to guide the upload of the summaries and the media files into a database. The database mapper 123 maps the elements of the XML "documents" which contain the logical annotation metadata into the corresponding schema used by the database for storing, indexing, searching and managing the media and its metadata. The physical properties captured in a logical annotation are mapped into the fields of a database object. In addition, the XML representation, which includes content attributes obtained by the content processor 115, may also be stored within the database object. In addition to allowing the media source file to be stored with the metadata, a pointer to (the URL of) the media resource may be stored instead when it does not make sense for the whole media source to be stored. As a result, a self-contained repository, for the media data and its description, is created in the database. This repository can now be indexed with conventional indexing techniques, enabling advanced searches on the multimedia data (Column 8, line 36 – 53).

Based on my experience and education in the field of data storage, data conversion and enterprise processing, I have concluded that U.S. Patent 6,549,922 (hereinafter, Srivastava) and U.S. Patent 7,249,328 (hereinafter, Davis or the Davis invention) are relevant to the data integration invention described in patent application 09/940,450 only to the extent that they provide additional evidence of novelty of the claimed invention. There are several reasons for this:

1. Patent application 09/940,450 describes a method and system for integrating data from a plurality of systems using xml and a common schema. The Davis invention teaches away from this approach by teaching method and system for copying a table from a single system to an xml 1.0 compliant dtd.
2. Patent application 09/940,450 describes a method and system for creating an integrated database to support organization processing. The Davis invention teaches away from this approach by teaching method and system for creating documents that can only be viewed and manipulated by a special application – a combined data viewer and analysis program – the RDML data viewer.
3. Patent application 09/940,450 describes a method and system for creating an integrated database using xml and a common schema to support organization processing. The Davis invention teaches away from this approach by teaching the separate storage of data and the

information needed to convert said data to a common format. In particular, the Davis invention teaches method that leaves the original data in the source database and stores the information that defines the conversion to a format that adheres to a common xml 1.0 compliant dtd in a separate database, the RDML image database.

4. Patent application 09/940,450 describes a method and system for creating an integrated database using data from a plurality of systems in accordance with xml and a common schema. The Davis invention teaches away from this approach by teaching a method and system for copying a table from a single system to an RDML document (102) that uses an xml 1.0 compliant dtd. The RDML data viewer (100) has the ability to combine RDML documents that use data from different systems using a user defined view (108) for manipulation and output. However, the Davis specification does not teach or suggest creating an integrated database from the combined data.

5. Patent application 09/940,450 describes a method and system for creating an integrated database that utilizes a common schema for data storage to support organization processing. The Davis invention teaches away from this approach by teaching a method and system for storing data by "RDML document" and "RDML line item" that is optimized for making presentations and creating graphs.

6. Patent application 09/940,450 describes a method and system for creating an integrated database with data from a plurality of systems. Combining items 4 and 5, the Davis invention teaches copying a table from a single system to an RDML document and storing the data by "RDML line item". Given these features, any output file produced by the Davis system would require additional processing to enable data storage at the cell level (for example an individual month within a time series) in accordance with a common schema – additional processing that is not taught or suggested by the Davis invention specification. Data storage at the cell level enables processing of the data by applications other than the RDML data viewer.

7. Patent application 09/940,450 describes a method and system for creating an integrated database and manipulating the data in the integrated database using separate applications. The Davis invention teaches away from this approach by using an RDML data viewer (100) to both combine and manipulate RDML documents.

8. Patent application 09/940,450 describes a method and system for using metadata mapping to integrate data from a plurality of systems in accordance with xml and a common schema.

The Davis invention teaches away from this approach by teaching the use of an RDML formatter 216 that assists a user in selecting the proper documentation tags without using metadata mapping.

9. Patent application 09/940,450 describes a method and system for mapping conversions for database metadata from a plurality of sources to a central database metadata with a metadata and conversion rules window. Srivastava teaches away from this approach by teaching the mapping of extracted and summarized media metadata to a schema followed by the subsequent storage of the media and summarized metadata in the database. Srivastava uses the metadata summary as annotations to enable search for media files, application 09/940,450 uses metadata mapping to guide the conversion of data from one metadata standard to another as part of the process of creating an integrated database.

10. As discussed in items 1 through 9, Davis and Srivastava teach away from almost every aspect of the data integration invention described in application 09/940,450. Given these facts, it is unsurprising that a combination of the teachings of the two patents does not render any aspect of the invention described in application 09/940,450 obvious.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patents issuing thereon.

Signed,



10-30-2008

Gregory M. Cusanza

Date: October 30, 2008